

**State of Florida
Workforce Investment Act
Waiver Request:
DEOBLIGATION/REALLOCATION OF WIA FUNDS**

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the State of Florida requests any waiver approval necessary to implement recently drafted state policy regarding the deobligation and reallocation of local area WIA funds. This policy was developed under the state Workforce Board and included in Modification 4 of the State of Florida Strategic Five-Year Workforce Investment Plan submitted August 14, 2002, submitted as a separate waiver request and initially approved by USDOL in 2002. Approval was subsequently extended for the 5-Year Plan extension through June 30, 2005. The full text of the policy is as follows:

In addition to provisions for the reallocation of local area funds based on prior year unobligated balances as provided for by federal regulation (20 CFR 667.160), the state policy provides for the potential mid-year deobligation and reallocation based on expenditure levels. Pursuant to the state policy, both the expenditure and obligation of local funds are to be reviewed four times during their two-year life:

1. At the mid-point of the program year 1
2. At the end of the program year 1
3. At the mid-point of the following program year 2
4. At the end of the following program year 2

The state policy incorporates the following minimum expected obligation and expenditure rates:

- a. At least 25% expended at the mid-point of the first year
- b. At least 80% obligated and 50% expended at the end of the first year
- c. At least 75% expended at the mid-point of the second year
- d. At least 100% expended at the end of the second year.

All local areas that have met the obligation and expenditure criteria of the state policy are eligible for any potential reallocation of deobligated funds based on the method used to allocate their regular formula funds.

A. Statutory or Regulatory Requirements to be Waived

Should the above policy related to mid-year deobligation of local area funds and/or criteria for minimum expenditure rates be deemed to be not in accord with any provision of WIA federal regulations at 20 CFR 667.160, Florida requests waiver of the federal regulation.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Deobligation/Reallocation

The state policy provides for the timely identification of idle funds so that they may be redistributed to areas of greater need.

In the past, reviews based upon obligations alone have not resulted in the identification of a significant amount of funds for redistribution because the reporting of obligations has proven to be subjective and therefore unreliable as a consistent indicator of program progress. The definition of “obligation” has allowed some local areas to accumulate reserves to cover activities that may not be necessary or feasible for some time. In the meantime, vital programs in other areas have remained unfunded due to temporary funding constraints. Even when under-spending regions were eventually deobligated at the end of the second year, it often left the areas in receipt of needed additional funding an extremely short time frame for implementing additional services. The state’s policy utilizes expenditures as a more reliable indicator of program progress and incorporates additional reviews to facilitate the more timely redistribution of funds.

The state policy promotes the maximum investment of these limited funds and increased levels of service. Through the more timely redistribution of funds from areas with low expenditure rates to areas experiencing unfunded needs, the state will avoid the danger of becoming subject to federal reallocation as long as unmet needs for services exist anywhere within its borders.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the state’s policy or any federal waiver necessary to implement the policy. Indeed the policy is in accord with the intent of state statutes enacted to implement WIA.

D. Description of the Individuals Impacted by the Waiver

All WIA customers as well as the state’s regional workforce board will be positively affected by the adoption of the above referenced policy.

Increased numbers of individuals in need of service will be served.

Regional workforce boards identifying unmet needs or experiencing the sudden need for increased services in their areas will have more timely access to additional resources.

The rate of investment of WIA funds will increase.

Regional workforce boards experiencing under-expenditure will not be unduly jeopardized by the deobligation of unneeded funds as they would become eligible to participate in subsequent redistributions of funds based on improved performance and increased needs within their areas.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

The state's policy regarding the deobligation and reallocation of local area WIA funds was developed by the Executive Committee of Workforce Florida, the state's workforce investment board. Based on its review of WIA performance and progress toward the goals established in the state's strategic plan, the Board identified the need to revise policy governing the expenditure and reallocation of funds in order to achieve the maximum investment of WIA funds. The policy was extensively discussed at meetings of the Executive Committee during December 2001 and January 2002 at which public comment was encouraged and received. Public comment was also solicited by email to state agencies, all regional workforce boards, service providers, and other interested parties. The Executive Committee's final draft policy was also distributed for comment prior a scheduled meeting in February 2002 of Board members and Board staff with representatives of regional workforce boards, state and local agencies, one-stop operators, and other providers, at which the policy and its implementation was discussed and comment received. The policy was adopted for inclusion in Modification 4 of the State's Five-Year Strategic Workforce Investment Plan by the full Workforce Florida Board at public meeting in May 2002. It was then distributed for public comment as part to the State Plan Modification prior to its submittal to the United States Department of Labor in August 2002. Public comment received on Modification 4 of the State Plan is attached to that document. Public comment received at any meeting of the Workforce Florida Board or its Executive Committee is summarized in the meeting minutes. This request for continuation has been disseminated for public comment along with the 2-Year plan and multiple other waiver requests. Dissemination includes preliminary email dialogue with Regional Workforce Boards and other partners on the list of proposed waivers in February-March, distribution of the draft plan and waiver requests by email and website posting in April-May, 2005, opportunity for email, or letter comment from February through May 18, 2005, and the public hearing at the Workforce Florida, Inc. Board meeting in Orlando on May 19, 2005.

The implementation of this policy will be monitored by the Workforce Florida and the Agency for Workforce Innovation as they continue to monitor all WIA performance and the progress towards goals and objectives expressed in the State Plan. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of regional workforce boards, one-stop operators and other partners.

**State of Florida
Workforce Investment Act
Waiver Request:
TRANSFER AUTHORITY [2005 Update]**

Workforce Florida, Inc. and the Agency for Workforce Innovation (AWI), as the administrative entity of the Workforce Investment Act (WIA) in the State of Florida, submit this request for a general waiver to increase the transfer authority of Local Workforce Investment Boards from the current 20% to 100% for Adult and Dislocated Worker funds. Note that Florida was previously approved for a waiver allowing up to a 50% transfer authority. This proposed increase will provide the local boards with greater flexibility for responding to changes in their local labor markets, and will help ensure that the WIA funds allocated to each local area are being utilized in a way that will maximize customer service, especially including Employed Worker Training and other demand-driven needs of the business community. The waiver will apply to Program Year 2005 and subsequent years.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(b) and 20 CFR Part 661.420(c), please accept the following as a request for a waiver.

A. Statutory or Regulatory Requirements to be Waived

WIA Section 133(b)(4) and 20 CFR Part 667.140 state that a Local Board may transfer, if such a transfer is approved by the Governor, not more than 20 percent of the funds allocated to the local area... for a fiscal year between Adult employment and training activities and Dislocated Worker employment and training activities.

The State of Florida requests that Local Boards be allowed to transfer up to 100 percent of a program year allocation for Adult funds and up to 100 percent of a program year allocation for Dislocated Worker funds between the two funding streams.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal is increased flexibility for the local areas in allocating and expending Adult and Dislocated Worker funds. Such flexibility would enable local areas to better serve the needs of their customers and would heighten their ability to respond to changes in the local labor market, particularly to respond to the growing employer demand for Employed Worker Training, which can be funded at local level only with WIA Adult funds. This increased flexibility will also allow greater responsiveness to deal with massive worker dislocations, such as recently experienced following the unprecedented series of five major hurricanes impacting nearly all Florida counties in the Fall of 2004.

C. State or Local Statutory or Regulatory Barriers

There is no State or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

All Adults and Dislocated Workers, as well as business customers, will benefit from the waiver. Granting the Local Boards the ability to move substantial funds to the areas of greatest need will ensure optimum service to the general population of that workforce area.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas and demand from business partners. As with all other major policy and procedural decisions made by the State, we relied heavily upon input from local area staff and boards. The problems with the current 20% limitation on funds transfers between Adult and Dislocated Worker funding streams were discussed with the local areas to gain input on those problems and on the benefits of being granted this waiver. This waiver will be especially helpful in serving employed workers in an effort to assist them in retaining employment or obtaining employment leading to self-sufficiency. The request to increase authority to 100% was also related to the potential need to greatly increase dislocated worker services, as demonstrated by the hurricanes of 2004.

Workforce Florida Inc. and the Agency for Workforce Innovation, as the State administrator and overseer of WIA, will monitor all transfers of funds by the Local Areas. The State's current monitoring policy and procedures will be modified to include this waiver.

**State of Florida
Workforce Investment Act
Waiver Request:
FEDERAL PERCENTAGE EXPENDITURE MANDATE
FOR OUT-OF-SCHOOL YOUTH**

Workforce Florida, Inc. and the Agency for Workforce Innovation (AWI), as the administrative entity for the Workforce Investment Act (WIA) in the State of Florida, submit this request for a general waiver to allow the state's Regional Workforce Boards to appropriately determine the need for WIA authorized services for out-of-school and in-school youth and not to be limited by the federal mandated expenditure level. This proposed waiver will provide regional boards with greater flexibility for responding to changes in their local youth populations as well as ensuring that the WIA funds allocated to each local area are being used in a manner to maximize youth services. The waiver will apply to Program Year 2005 and subsequent years.

In keeping with the guidelines set forth at WIA Section 189(i) (4) (b) and 20 CFR Part 661.420(c), please accept the following in support of this waiver request:

A. Statutory or Regulatory Requirements to be Waived

WIA Section 129(c)(4)(A) and 20 CFR Part 664.320 requires that at a minimum, 30 percent of the youth funds described in paragraph (1) shall be used to provide activities to out-of-school youth.

The State of Florida requests that it be allowed to waive the current federal percentage expenditure mandate for out-of-school youth.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal of this request is for increased flexibility for local areas in expending youth funds on the neediest of the youth population. Such flexibility would enable local areas to better serve the needs of their youth population and would heighten their ability to respond to Florida's most recent local labor market changes.

Florida has determined that it has a very needy in-school youth population. With the statewide application of the Florida's Comprehensive Assessment Test (FCAT), state officials anticipate an increased need to assist its disadvantaged in-school youth population in remaining in school and subsequently attaining their high school diploma or equivalency. WIA promotes the long-term involvement with youth to assist with not only remedial skills, but also to help direct the youth toward growth occupations within local labor markets. Youth, identified at 14 years of age, usually remain enrolled for three (3) years in WIA funded activities, which may overlaps several fiscal years. A waiver of the 30% out-of-school youth expenditure requirement will allow RWBs to better plan and move in-school, disadvantaged youth toward targeted outcomes to include high school completion and enrollment into post-secondary education and/or employment.

The application of this request does not remove the need for serving the out-of-school population---but with the limited youth funds available, serving the neediest of youth in each

local area is a major goal. Also, many out-of-school youth who are 18 year of age at the time of registration can be served as adults with WIA adult funds. This will allow for more WIA youth funds to serve the 14 to 17 year old in-school at-risk population.

C. State or Local Statutory or Regulatory Barriers

There is no State or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of the Individuals Impacted by the Waiver

All youth participants will benefit from the waiver. Granting local boards the ability to expend more WIA funds for in-school youth will reduce the number of youth that would eventually need WIA services after leaving or dropping out of school. It is more efficient and effective to assist a student while he/she is in a school setting rather than trying to address the varied social and economic needs of those youth who have not properly fulfilled the academic requirements needed for them to become self-sufficient.

E. Opportunity for Public Comment and the Process Used to Monitor Progress Upon Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas. As with all major workforce policies and procedures, the State has solicited dialogue and input from local area boards and staff. Specifically, RWBs and their staff were consulted as to the local impact of this request. Their responses were overwhelming in support of this request.

Workforce Florida Inc. and the Agency for Workforce Innovation, as the State administrator and overseer of WIA, will monitor the use of funds by the Local Areas. The State's current monitoring policy and procedures will be modified to ensure compliance with the intent of this waiver.

**State of Florida
Workforce Investment Act
Waiver Request:
EMPLOYED WORKER TRAINING FUNDING**

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the State of Florida requests a waiver to enable local Regional Workforce Boards to expand employed worker training (EWT) activities by allowing up to 20 percent of local adult and dislocated worker funds as described by WIA Section 133 (b) (2) to be expended on incumbent worker training activities pursuant to the rules adherent to statewide activities described by WIA Section 134 (a) (3). Additionally, the State requests any waiver approval necessary to allow up to 20 percent of its state-level rapid response funds as described by WIA Section 133 (a) (2) to be shifted to local workforce boards for the express purpose of providing incumbent worker training as part of the State's EWT initiative, when no major plant layoffs or closures have occurred.

Currently, every Regional Workforce Board has an employed worker training program in place to extent such training is allowable for adults employed at registration and it has modified its five-year plan accordingly. However, there is no minimum percentage amount dedicated for this purpose.

A. Statutory or Regulatory Requirements to be Waived

Should the above request related to employed worker training funding be deemed to be not in accord with any provision of WIA Section 134 or WIA federal regulations at 20 CFR 667.160, 20 CFR 663, or 20 CFR 665, Florida requests waiver of the federal regulations.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Encourages Regional Workforce Boards to further expand EWT activities, which enables further use of the public employment system through a demand-driven, business focus.

Promotes maximum investment of these limited funds and increases levels of service.

Promotes strengthening of regional economies by focusing on employer and worker competitiveness through skills upgrade training.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the state's policy or any federal waiver necessary to implement this request. Indeed the policy is in accord with the intent of state statutes enacted to implement WIA.

D. Description of the Individuals Impacted by the Waiver

Employed Worker Training

All WIA customers, as well as the state's Regional Workforce Boards, will be positively affected by the adoption of the above requested waiver.

Increased numbers of individuals that are in need of service will be provided service.

Regional Workforce Boards, identifying unmet needs or experiencing the sudden need for increased services in their areas, will have more timely access to additional resources.

The rate of investment of WIA funds will increase.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

The State's request to enable local Regional Workforce Boards to expand employed worker training (EWT) activities by allowing up to 20 percent of local adult and dislocated worker funds to be expended on EWT activities, as well as state-level rapid response funding shift was developed by Workforce Florida, Inc., the state's workforce investment board. Based on its review of the goals established in the State's strategic plan, the Board identified the need to revise policy governing the investment of local allocation funds in order to achieve the maximum investment of WIA funds. Indeed, in 2002, the Board approved start-up funds to each RWB to allow local EWT programs to be initiated. The EWT program has been extensively discussed at RWB business liaisons meetings and through guidance papers.

The implementation of this policy will be monitored by the Workforce Florida, Inc. and the Agency for Workforce Innovation as they continue to monitor all WIA performance and the progress towards goals and objectives expressed in the State Plan. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of Regional Workforce Boards, one-stop operators and other partners.

**State of Florida
Workforce Investment Act:
Waiver Request:
DATA CAPTURE REQUIREMENTS IMPACTING SKILLS UPGRADE TRAINING**

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the State of Florida requests any waiver approval necessary to support state policy regarding its programs to upgrade workforce skills: Florida's Incumbent Worker Training program (funded with state level 15% funds) and regional workforce board's Employed Worker Training programs (funded with local adult WIA allocation). The waiver requested is to minimize the data capture requirements under these programs so that employers are not unnecessarily burdened with federal data requirements. Since both programs seek to upgrade the skills of existing workers employed by businesses operating in our state—and in many cases this training is sought to improve the competitiveness of both the employer and the worker—data capture requirements should be based on *employer* application, rather than *individual trainee* eligibility.

Florida's IWT program has been in place since July 2000. Florida's policy regarding regional Employed Worker Training (EWT) programs was developed under the state's Workforce Board in 2001. Each Regional Workforce Board was asked to modify their five-year plan to specify methods to upgrade the skills in their regional workforce area, including through employed worker training. A guidance paper on the provision of training services to employed workers under WIA was developed in 2001, distributed to all regional workforce boards (see WPDG 00-006rev attached).

As noted above, local workforce boards are required to coordinate workforce investment activities with economic development strategies and develop employer linkages. One of the primary reasons why local workforce boards provide EWT is to improve their regional economies by upgrading the skills of their existing workforce, enabling both the employer and the individual worker to improve their competitiveness. Additionally, as workers improve their skills and climb the career ladder, it enables the board to backfill those vacancies. Thus, the program builds employer usage and satisfaction of the public workforce system. A hindrance to usage of these programs is federal data requirements.

All individuals served with federal WIA funds must be included in the state's performance report. Individuals served in the state's IWT program are only required to provide minimal participant data. The required data items are: RWB number, Social Security Number, Date of Application, Participant name, Date of Birth, Race, Gender, Ethnicity, and Individual with a Disability, Selective Service Registration, Citizenship (or, a partial application).

When using local funds to serve the participants for an employer a full application is required. The full application includes all of the elements above as well as additional program elements, education attainment levels, family status and income, among others. A full application is appropriate for individual trainee eligibility or the unemployed. It is far too cumbersome when working with employed workers and employers to achieve skills upgrade training.

A. Statutory or Regulatory Requirements to be Waived

Should the above policy related to the provision of IWT and EWT and the need to minimize data capture requirements be deemed to be not in accord with any provision of WIA federal regulations at 20 CFR 666 and 20 CFR 667.300, Florida requests waiver of the federal regulations.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Greater demand-driven, public workforce system responsiveness to the skills upgrade training needs of Florida's economy.

Elimination of excessive data capture requirements at the local workforce board when regional allocated funds are used to provide employed worker training.

Greater coordination of state and local workforce board activities with state and local economic development efforts.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the state's policy or any federal waiver necessary to implement the policy. The policy is in accord with the intent of Florida's State Statutes enacted to implement WIA.

D. Description of the Individuals Impacted by the Waiver

All WIA customers, as well as the state's Regional Workforce Boards, will be positively affected by the adoption of the above referenced policy.

Service will be provided to increased numbers of individuals in need of service.

Regional Workforce Boards will improve linkages with employers and economic development in their areas.

The rate of investment of WIA funds will increase.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

The State's policy regarding the provision of IWT and EWT as well as the data capture requirements for the two programs was developed by Workforce Florida, Inc., the state's workforce investment board. Based on its review of the goals established in the state's strategic plan, the Board identified the need to revise policy governing the investment of local allocation funds in order to achieve the maximum investment of WIA funds. Indeed, in 2002, the Board approved start-up funds to each RWB to allow local EWT programs to be

initiated. Both IWT and EWT programs and data capture requirement issues have been extensively discussed at RWB business liaisons meetings and through guidance papers.

The implementation of this policy will be monitored by the Workforce Florida, Inc. and the Agency for Workforce Innovation as they continue to monitor all WIA performance and the progress towards goals and objectives expressed in the State Plan. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implantation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of regional workforce boards, one-stop operators and other partners.

**State of Florida
Workforce Investment Act
Waiver Request:
EMPLOYED WORKER TRAINING FUNDING**

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the State of Florida requests a waiver to enable local Regional Workforce Boards to expand employed worker training (EWT) activities by allowing up to 20 percent of local adult and dislocated worker funds as described by WIA Section 133 (b) (2) to be expended on incumbent worker training activities pursuant to the rules adherent to statewide activities described by WIA Section 134 (a) (3). Additionally, the State requests any waiver approval necessary to allow up to 20 percent of its state-level rapid response funds as described by WIA Section 133 (a) (2) to be shifted to local workforce boards for the express purpose of providing incumbent worker training as part of the State's EWT initiative, when no major plant layoffs or closures have occurred.

Currently, every Regional Workforce Board has an employed worker training program in place to extent such training is allowable for adults employed at registration and it has modified its five-year plan accordingly. However, there is no minimum percentage amount dedicated for this purpose.

A. Statutory or Regulatory Requirements to be Waived

Should the above request related to employed worker training funding be deemed to be not in accord with any provision of WIA Section 134 or WIA federal regulations at 20 CFR 667.160, 20 CFR 663, or 20 CFR 665, Florida requests waiver of the federal regulations.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Encourages Regional Workforce Boards to further expand EWT activities, which enables further use of the public employment system through a demand-driven, business focus.

Promotes maximum investment of these limited funds and increases levels of service.

Promotes strengthening of regional economies by focusing on employer and worker competitiveness through skills upgrade training.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the state's policy or any federal waiver necessary to implement this request. Indeed the policy is in accord with the intent of state statutes enacted to implement WIA.

D. Description of the Individuals Impacted by the Waiver

Employed Worker Training

All WIA customers, as well as the state's Regional Workforce Boards, will be positively affected by the adoption of the above requested waiver.

Increased numbers of individuals that are in need of service will be provided service.

Regional Workforce Boards, identifying unmet needs or experiencing the sudden need for increased services in their areas, will have more timely access to additional resources.

The rate of investment of WIA funds will increase.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

The State's request to enable local Regional Workforce Boards to expand employed worker training (EWT) activities by allowing up to 20 percent of local adult and dislocated worker funds to be expended on EWT activities, as well as state-level rapid response funding shift was developed by Workforce Florida, Inc., the state's workforce investment board. Based on its review of the goals established in the State's strategic plan, the Board identified the need to revise policy governing the investment of local allocation funds in order to achieve the maximum investment of WIA funds. Indeed, in 2002, the Board approved start-up funds to each RWB to allow local EWT programs to be initiated. The EWT program has been extensively discussed at RWB business liaisons meetings and through guidance papers.

The implementation of this policy will be monitored by the Workforce Florida, Inc. and the Agency for Workforce Innovation as they continue to monitor all WIA performance and the progress towards goals and objectives expressed in the State Plan. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of Regional Workforce Boards, one-stop operators and other partners.

State of Florida
Workforce Investment Act
Waiver Request:
PROHIBITION ON USE OF YOUTH WIA DOLLARS
TO FUND INDIVIDUAL TRAINING ACCOUNTS FOR OLDER YOUTH

Workforce Florida, Inc.(State Board) and the Agency for Workforce Innovation (administrative entity for the Workforce Investment Act, WIA) is requesting a waiver from Title 20 of the Code of Federal Regulations (CFR) Section 664.510, under the provisions established in Section 189(i)(4)(B) of WIA. Section 664 prohibits the use of Individual Training Accounts (ITA's) for Youth participation, except in the case they are determined eligible and are co-enrolled either as an Adult or Dislocated Worker.

The intent of this request is to allow Regional Workforce Boards (RWBs) to appropriately use ITAs for Youth participants, based on a valid needs assessment of interests, skills and aptitudes. Under the current regulation, older youth (ages 18 and over) may at the same time, be enrolled as adults and use ITAs as "adults". Also, there is no specified age for the Dislocated Worker program, which could mean that youth under the age of 18, could also meet the Dislocated Worker eligibility requirements, be co-enrolled and receive ITAs. Under the current regulations, expenditures for ITAs are charged to the Adult or Dislocated Worker funding streams, rather than to the Youth funding stream. This co-enrollment requirement is a duplicative and unnecessary process which does not allow RWBs to charge the cost of the ITA back to the Youth account, but draws down on 'limited' adult funds. The current regulation also does not allow some of those expenditures to be appropriately counted towards the 30 percent out-of-school expenditure requirement.

This waiver would allow older out-of-school youth to select approved ITA programs from the Florida's Eligible Training Provider list, while retaining their youth classification. Training costs can be charged as out-of-school Youth expenditures, thereby, eliminating the need to track such expenditures across different funding streams as it is done presently.

Given that the Department of Labor has already approved similar waivers for the states of California, Texas, Georgia, Kentucky, etc., we ask that our request also be granted for the waiver.

A. Statutory or Regulatory Requirements to be Waived

Title 20 CFR 664.510, Section 189(i)(4)(B) of WIA which prohibits the use of ITAs for youth unless they are found eligible for and co-enrolled in either the adult or dislocated worker program.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

A waiver will maximize the service delivery capacity of the Workforce Investment Act (WIA) Youth programs within the One Stop Career Center delivery system by allowing youth, who are employment-focused rather than academically inclined, to have the same

access as adults and dislocated workers to the advantages of ITAs. Presently, the co-enrollment of youth in the adult programs is burdensome and contributes to unnecessary and duplicative paperwork, not to mention the additional tracking and reporting burden on activities, expenditures and outcomes for the RWBs.

By providing a waiver to allow the use of ITAs for youth (without the need for co-enrollment), in which assessment has determined that an ITA is the appropriate and best strategy for the youth, would allow the youth to be treated equally with an adult who has similar training needs. Being allowed to charge the ITA cost to the Youth program, instead of the adult or dislocated worker program, would reduce the dependence on 'limited' adult funds and would contribute to the ability of RWBs to meet their 30 percent out-of-school expenditure requirements.

The Goals and Programmatic Outcomes to be achieved by the waiver are:

Goal I: Afford older youth the same opportunity as adults to make informed decisions about their future employment and career goals through an appropriate training strategy if their assessment concludes that employment is their logical choice.

Outcome I: A large percentage of older and out-of-school youth either want to train for an occupation or obtain employment due to financial needs. With a waiver, older youth can pursue their occupational goals without the additional barrier of having to meet adult or dislocated worker eligibility requirements.

Goal II: Eliminate duplicative paperwork for enrolling older youth into the adult programs. Without the waiver, each of Florida's 24 regional workforce boards and their respective One-Stop system operators must verify that older youth are co-enrolled as adults in order to access ITAs. Co-enrollment services have little purpose other than to provide documentation and justification for accessing ITAs for youth.

Outcome II: Granting the waiver will decrease state and local paperwork, reduce the need for extra staff needed to track and report co-enrollments, and free up youth case staff to continue working with the older youth instead of transferring the case to an adult case manager. Training providers would also be benefited because they would no longer have to follow two separate processes to provide services to Adult/Dislocated Worker and Older Worker/Youth.

Goal III: Allow RWBs to improve their expenditures on out-of-school youth and meet the federal mandate to expend 30 percent of youth funds for this population.

Outcome III: With the ITA costs being directly charged to the Youth program instead of Adult or Dislocated Worker program; youth expenditure levels will improve and possibly contribute to RWBs meeting their 30 percent of out-of-school expenditure requirements. It would ensure that local boards have flexibility to deliver services based on individual needs of participants as intended under WIA.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

This waiver will directly impact older WIA eligible youth allowing them to benefit from an ITA. These customers would now directly receive the types of services afforded adult and dislocated workers that most closely and quickly meet their needs without unnecessary paperwork or tracking

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas. As with all major workforce policies and procedures, the State has solicited dialogue and input from regional workforce boards and staff concerning local impact of this request. Their responses were overwhelming in support of this request.

Workforce Florida Inc. and the Agency for Workforce Innovation, as the State administrator and overseer of WIA funds, will monitor the use of funds by the Regional Workforce Boards. The State's current monitoring policy and procedures will be modified to ensure compliance with the intent of this waiver.

State of Florida
Workforce Investment Act
Waiver Request:
WAGNER-PEYSER “MERIT STAFFING”

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the State of Florida requests any waiver approval or pilot project authorization or exception to standing policy necessary to allow the state to allocate Wagner-Peyser staffing funds to out Local Workforce Investment Boards (in Florida named Regional Workforce Boards—RWBs) and allow those funds to be used to hire staff to provide Wagner-Peyser services without being on the payroll of the State of Florida and part of the state “merit system” (named Career Service or Selected Exempt Service in Florida). Florida has requested such a waiver on several occasions in the past, repeatedly meeting with varied responses, but none approving such a waiver or pilot status, but instead indicating that Congress may resolve the issue. While joining in that hopeful expectation, once again we request waiver of potential Congressional resolution.

A. Statutory or Regulatory Requirements to be Waived

There is no direct federal statutory mandate in the Wagner-Peyser Act but per 20 CFR Sections 652.215 and 652.216, the Secretary has required state merit-staff employees to provide labor exchange services, asserting that such interpretation is “authorized by and consistent with the provisions of sections 3(a) and 5(b) of the act and the Intergovernmental Personnel Act (42 U.S.C. 4701 *et seq.*.” However in the Federal Register commentary re the regulations in Part 252, the comments note [at p. 49386] that “...the Department has authorized demonstrations of the effective delivery of Wagner-Peyser services utilizing non-state agency employees in the states of Colorado, Massachusetts, and Michigan” as exceptions to the policy, but stating a decision that no further exceptions would be approved.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Florida has made great strides in restructuring its workforce services delivery system to move away from the programmatic and financial “silos” inherent to a fragmented delivery system and to achieve a truly integrated network of One-Stop Career Centers and services. A large part of that movement has been to empower Regional Workforce Boards, decentralize service-delivery decision-making, push funding downward, and then to hold them strictly accountable for outcomes and performance. In so doing we have distributed the maximum levels of funding and day-to-day operational flexibility to the Regions and their contracted One-Stop providers. That has included WIA funds, TANF funds, Food Stamp Employment and Training funds, and certain Wagner-Peyser and Unemployment Compensation funds, allowing the local boards/providers to decide what employees to hire, what skill to recruit, how to train, supervise, discipline, direct and terminate as needed.

The only glaring exception has been the Wagner-Peyser staffing funds, where locals are required to continue with a fairly bizarre arrangement where a portion of their key staff are on an external payroll and ultimately accountable to an out-of-town authority that is not

subject to the performance requirements of the region. The state agency and the regional workforce boards and one-stop center providers have been largely successful in developing processes and agreements to work around a wide variety of impediments (such as disparate wages, working hours, employee benefits, and other working conditions for One-Stop staff). These challenges exist for all one-stop center partners that are employed by different entities. There have been multiple reports from RWBs of morale and disciplinary problems due to disparate wages, hours, benefits and other working conditions for One-Stop staff who are essentially doing the same customer service work.

However, it is in the delivery of WIA and Wagner-Peyser services within the one-stop center where the greatest disconnect and challenge exists. Unlike other one-stop center partner services, Wagner-Peyser and WIA unassisted and assisted core services are virtually indistinguishable as it relates to customer service. The continued separation of the staff performing those services creates an unintended but persistent disconnect for customers. Wagner-Peyser state merit staff can serve WIA customers in part but then the customer must be “passed off” to a WIA funded staff member for other employment and training services. From a customer perspective the division of labor and responsibilities in what is supposed to be a seamless service delivery system are at best curious and more often disconcerting and disruptive.

Florida has succeeded in transferring all basic program services (WIA, TANF, Food Stamp Employment and Training (FSET), certain Unemployment Insurance support functions, Trade Act, etc.) to the regional workforce boards and their one-stop centers’ competitively procured vendors. Only the Wagner-Peyser funded positions (including veterans’ services positions) remain outside of this service delivery mechanism. However, interestingly and importantly, the Wagner-Peyser program services are central to the delivery of the customer services provided under WIA, TANF, the FSET and UC support services. It is the single common thread throughout the service continuum and yet is must be funded and staff separately.

In some cases proposed local bonuses, promotions and other incentives could not be awarded uniformly or not at all because of state human resources limitations. Approaching the ridiculous, there have been instances in the face of approaching hurricanes, floods and other natural disasters where local RWB and One-Stop managers could not legally release AWI-payroll employees on admin leave until permission was granted by state authorities in Tallahassee. [Needless to say, they were released based on local emergency management instructions, but then the situation had to be elaborately justified after the fact to comply with state HR/payroll requirements] No such convoluted, bifurcated procedures are required for other One-Stop staff funded with WIA, TANF or other funding streams.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the state’s policy or any federal waiver necessary to implement the policy. Indeed the policy is in accord with the intent of state statutes enacted to implement WIA and to integrate the delivery on workforce services through the network of One-Stop Career Centers. Further, this waiver supports the

WIA Reauthorization vision of the US Department of Labor. Additionally, the Agency for Workforce Innovation has annually secured state-level authority to accommodate any waiver approved by the Department.

D. Description of the Individuals Impacted by the Waiver

All WIA customers as well as the state's regional workforce board will be positively affected by the adoption of the above referenced policy and improved integrated services. Elimination of dual payroll, human resources and related costs for maintaining 2 sets of overhead mechanisms, will reduce overall administrative expenditure thereby freeing up funds for additional training and workforce services for employers and job seekers.

Current state agency employees providing Wagner-Peyser services on state payroll will be shifted to local payrolls and will then be eligible for the same benefits, wages, terms and conditions of employment as other One-Stop staff paid with WIA, TANF or other funds. Local One-Stop operators will benefit from having consistent and direct control and accountability for all staff providing services to the public and producing the performances for which Regional Boards and providers are held responsible. The transition will be achieved in the similar manner as when PICs and state-staffed local direct services were divested and placed under contracted One-Stop Operators, also noting that many former state "merit-staff": employees have already individually made such personal transitions. Several years ago, Florida successfully transitioned the TANF-funded services from state merit staff to the regional workforce boards. In recent years, the Agency for Workforce Innovation has also transitioned FSET, TAA and certain UI support services to the boards as well. Only Wagner-Peyser program staff (including veterans' program staff) remain outside of this system. Again, from the standpoint of customer service, one-stop customers will benefit from the complete integration of Wagner-Peyser into the service delivery scheme by the removal of artificial staff barriers to services. This applies not only to better integration with WIA customers but also, TANF, FSET, UI and TAA customers.

From the standpoint of state merit staff, the Agency has been very successful in transitioning state staff to one-stop provider positions. Special job placement assistance has been provided in other instances where merit staff members were not hired by providers. Florida believes it has been a model for effectively transitioning state merit staff into the one-stop delivery system.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

The state's position favoring this waiver has been fully announced, discussed, debated and open to public comment since 1999 at least. The position has been endorsed by the majority of the Workforce Florida Inc. Board repeatedly, including private sector, public sector, education and community-based members. The local/Regional Workforce Boards have also repeatedly endorsed the proposal, forcefully noting the administrative difficulties because be attempting to offer "seamless" integrated services provided partially by employees on the payroll of that 3rd party. The only opposition has been expressed repeatedly and consistently

by organized labor in public discussion and written comments at local state and national levels. This is far from being a novel or hidden issue.

This most recent waiver request was again disseminated for public comment along with the 2-Year plan and multiple other waiver requests. Dissemination includes preliminary email dialogue with Regional Workforce Boards and other partners on the list of proposed waivers in February-March, distribution of the draft plan and waiver requests by email and website posting in April-May, 2005, opportunity for email, or letter comment from February through May 18, 2005, and the public hearing at the Workforce Florida, Inc. Board meeting in Orlando on May 19, 2005.

The implementation of this policy will be monitored by the Workforce Florida and the Agency for Workforce Innovation as they continue to monitor all WIA performance and the progress towards goals and objectives expressed in the State Plan. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of regional workforce boards, one-stop operators and other partners.

ALTERNATIVE

**State of Florida
Workforce Investment Act
Waiver Request:**

UNIVERSAL CUSTOMER SERVICE DELIVERY FOR VETERAN STAFF

Workforce Florida, Inc. (WFI) and the Agency for Workforce Innovation (AWI), as the administrative entity of the Jobs for Veterans Grant in the State of Florida, submit this request for a general waiver to allow part-time Local Veterans Employment Representatives (LVER) and the Disabled Veterans Outreach Program (DVOP) Specialists to time charge against the DVOP/LVER Grants based on need and actual time spent serving veterans. This will eliminate the need for part-time staff to always charge half-time (four hours) each day. The approval of this request would allow the local boards' greater flexibility in responding to changes in their local labor markets, and will help ensure that all the one-stop customers receive the maximum services available.

The waiver will apply to Program Year 2005 and subsequent years.

Please accept the following as a request for a waiver to Florida's Jobs for Veterans Grant.

A. Statutory or Regulatory Requirements to be Waived

Title 38, United States Code (USC), Chapters 41 and 42, as amended by Public Law 107-288 (Jobs for Veterans Act), 20 Code of Federal Regulations (CFR), Part 1001, Workforce Investment Act of 1998 and Wagner-Peyser Act.

Title 38, USC, Chapter 41, Sections 4103A and 4104, as amended by Public Law 107-288 (Jobs for Veterans Act), states the following: Requirement for Employment by States of a Sufficient Number of DVOP Specialists and LVER staff. – Subject to approval by the Secretary, a State shall employ such full and part-time DVOP Specialists and LVER staff as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

The State of Florida requests that the local boards and One-Stop Centers be permitted to utilize DVOP Specialists and LVER staff as needed to assist veterans in the One-Stop Center service delivery system thereby allowing for staff to be assigned a sufficient number of work hours to adequately serve veterans in their area.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal is to increase and improve services to veterans by allowing local areas to assign veterans program staff as dictated by workload and customer flow. Based on each area's Jobs for Veteran Act (JVA) Grant allocation, veterans program staff (either DVOPs or LVERs) will appropriately charge to the JVA Grant for the actual time spent serving veterans instead of the current practice of charging the grant either for a full-time (eight

hours per day) or part-time (four hours per pay) position. The approval of this waiver request will eliminate the need for the state to modify the JVA grant each time that there is a change in the number of staffs' work hours. Ultimately, this approach will empower the local boardband One-Stop Centers to utilize service-delivery options and strategies that are compatible with the local workforce environment.

C. State or Local Statutory or Regulatory Barriers

There is no State or local statutory or regulatory barrier to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

All veterans and employers utilizing the One-Stop Centers will benefit from the waiver. Florida has one of the nation's largest populations of active duty and reserve military personnel. These individuals are in need of increased workforce services to transition them back to civilian life once their active-duty tour ends. The approval of this request will enable veteran program staff to provide the type and the level of services needed by veterans in each local area.

E. Opportunity For Public Comment and the Process Used to Monitor Progress Upon Implementation of the Waiver-

This request was developed as a result of concerns expressed by local areas. As with all other major policy and procedural decisions made by the State, input from local area staff and boards was a determining factor in making this request.

Workforce Florida, Inc and the Agency for Workforce Innovation, as the State administrator and overseer of the Jobs for Veterans Grant and Veterans' Program, will monitor all performance by the local areas to ensure that all veterans receive priority of services and that mandated Veterans' Program performance goals are met. The State's current monitoring policy and procedures will be modified to include provisions to measure compliance with the intent of this waiver.

**State of Florida
Workforce Investment Act
Waiver Request:
UNIVERSAL CUSTOMER SERVICE DELIVERY FOR VETERANS STAFF**

Workforce Florida, Inc. and the Agency for Workforce Innovation (AWI), as the administrative entity of the Jobs for Veterans Grant in the State of Florida, submit this request for a general waiver to allow the Regional Workforce Boards' (RWBs) Local Veterans Employment Representatives (LVER) and the Disabled Veterans Outreach Program (DVOP) Specialists to serve both veterans and the universal one-stop customers as determined by local workload needs, ensuring priority services for veterans, especially those veterans with barriers to employment. The state fully recognizes the importance of employing staff to primarily focus on the unique needs of its veterans' population and therefore intends to maintain an appropriate staffing level at all times to assist veterans in each local area. However, the state also recognizes all staff must be fully engaged to assist the growing number of customers with reduced program funding. The approval of this request would allow local boards' greater flexibility for using available staff resources to respond to changes in their local labor markets, and will help ensure that all the one-stop customers receive the maximum services available.

The waiver will apply to Program Year 2005 and subsequent years.

Please accept the following in support of the state's request to waive the restrictive staffing provisions of Florida's Jobs for Veterans Grant.

A. Statutory or Regulatory Requirements to be Waived

Title 38, United States Code (USC), Chapters 41 and 42, as amended by Public Law 107-288 (Jobs for Veterans Act), 20 Code of Federal Regulations (CFR), Part 1001, Workforce Investment Act of 1998 and Wagner-Peyser Act, and the Special Grant Provisions of the Jobs for Veterans Act (JVA) Grant.

The State of Florida requests that the local boards and One-Stop Centers be permitted to utilize DVOP Specialists and LVER staff as fully-integrated employees in the One-Stop Center service delivery system thereby permitting them to provide services to universal One-Stop Center customers, with the first priority of service to veterans, especially those veterans with barriers to employment.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal is to increase and improve services to all one-stop customers; including prioritizing services to veterans by allowing local areas to assign staff as dictated by workload and customer flow. Based on each area's DVOP/LVER and Wagner-Peyser grant allocation, veteran staff (either DVOPs or LVERs) will charge to the appropriate grant for the actual time spent serving veterans and universal customers instead of the current practice

of charging the grants either for a full-time or half-time staff position. The state will ensure that DVOP/LVER staff charges when serving veterans are appropriately assigned to the JVA grant and staff charges when serving universal customers are appropriately assigned to the Wagner-Peyser grant. The approval of this waiver request will eliminate the need for the state to modify the JVA grant each time that staffing changes are needed. Ultimately, this approach will empower the local boards and One-Stop Centers to utilize service-delivery options and strategies that are compatible with the local workforce environment.

C. State or Local Statutory or Regulatory Barriers

There is no State or local statutory or regulatory barriers to implementing the proposed waiver.

D. Description of the Individuals Impacted by the Waiver

All veterans utilizing the One-Stop Centers, as well as all universal customers, including employers, will benefit from the waiver. Florida has one of the nation's largest populations of active duty and reserve military personnel. Spouses and other family members of military personnel are in need of increased workforce services as a result of the deployment of the active-duty family member. The approval of this waiver request will enable veteran staff to expand their services to the entire military family including military spouses and other family members.

E. Opportunity for Public Comment and the Process Used to Monitor Progress Upon Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas. As with all other major policy and procedural decisions made by the State, input from local area staff and boards was a determining factor in making this request.

Workforce Florida, Inc. and the Agency for Workforce Innovation, as the State administrator and overseer of the Jobs for Veterans Grant and Veterans' Program, will monitor all performance by the local areas to ensure that all veterans receive priority of services and that mandated Veterans' Program performance goals are met. The State's current monitoring policy and procedures will be modified to include provisions to measure compliance with the intent of this waiver.

**State of Florida
Workforce Investment Act
Waiver Request:
EXPENDITURES FOR SPECIAL YOUTH POPULATIONS**

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the State of Florida requests a waiver to allow Regional Workforce Board expenditures for services for certain at-risk youth to count toward the satisfaction of the federally mandated expenditure level for out-of-school youth.

Workforce Florida, Inc. and the Agency for Workforce Innovation (AWI), as the administrative entity for the Workforce Investment Act (WIA) in the State of Florida, submit this request for a general waiver in order to provide Florida's regional workforce boards with greater flexibility for responding to changes in their local youth populations as well as ensuring that the WIA funds allocated to each local area are being used in a manner to maximize youth services. The waiver will apply to Program Year 2005 and subsequent years. Specifically the waiver is requested for those neediest youth identified in ETA's New Strategic Plan for Delivery of Youth Services and the State of Florida's Four-Year Strategic Plan: homeless youth, migrant and seasonal farm worker youth, youth in foster care, youth aging out of foster care, disabled youth, youthful offenders including those in residential juvenile justice facilities, children of incarcerated parents, and youth enrolled in "last chance" alternative schools.

In keeping with the guidelines set forth at WIA Section 189(i) (4) (b) and 20 CFR Part 661.420(c), please accept the following in support of this waiver request:

A. Statutory or Regulatory Requirements to be Waived

WIA Section 129(c)(4)(A) and 20 CFR Part 664.320 requires that at a minimum, 30 percent of the youth funds described in paragraph (1) shall be used to provide activities to out-of-school youth.

The State of Florida requests that it be allowed to include expenditures on services for the above referenced groups in need in calculating the required percentage expenditure mandated for out-of-school regardless of whether such youth are in-school at the time of their enrollment in WIA youth funded activities.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal of this request is for increased flexibility for local areas in expending youth funds on the neediest of the youth population. Such flexibility would enable local areas to better serve the needs of their youth population and would heighten their ability to respond to Florida's most recent local labor market changes.

Florida has determined that it has a very needy in-school youth population. Homeless youth, migrant and seasonal farm worker youth, youth in foster care, youth aging out of foster care,

disabled youth, youthful offenders including those in residential juvenile justice facilities, children of incarcerated parents, and youth enrolled in “last chance” alternative schools constitute the majority of the state’s neediest youth. Such youth require the same comprehensive services whether or not they happen to be in school at the time they are enrolled in WIA services. With the statewide application of the Florida’s Comprehensive Assessment Test (FCAT), state officials anticipate an increased need to assist these neediest in-school youth populations in remaining in school and subsequently attaining their high school diploma or equivalency. WIA promotes the long-term involvement with youth to assist with not only remedial skills, but also to help direct the youth toward growth occupations within local labor markets. Youth, identified at 14 years of age, usually remain enrolled for three (3) years in WIA funded activities, which may overlap several fiscal years. This waiver will allow RWBs to better plan and move these neediest youth populations toward targeted outcomes to include high school completion and enrollment into post-secondary education and/or employment.

The application of this request does not remove the need for serving the out-of-school population---but with the limited youth funds available, serving the neediest of youth in each local area is a major goal.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the state’s request or any federal waiver necessary to implement the request. Indeed the request is in accord with the intent of state statutes enacted to implement WIA.

D. Description of Individuals Impacted by the Waiver

All youth participants will benefit from the waiver. Granting local boards greater ability to expend more WIA funds for the neediest of groups though they may be in school at enrollment will reduce the number of youth that would eventually need WIA services after leaving or dropping out of school. It is more efficient and effective to assist a student while he/she is in a school setting rather than trying to address the varied social and economic needs of those youth who have not properly fulfilled the academic requirements needed for them to become self-sufficient.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

Public comment on the state’s request for this waiver has been encouraged and received. Public comment was solicited by email to state agencies, all regional workforce boards, service providers, and other interested parties.

Workforce Florida Inc. and the Agency for Workforce Innovation, as the State administrator and overseer of WIA funds, will monitor the use of funds by the Local Areas. The State’s current monitoring policy and procedures will be modified to ensure compliance with the intent of this waiver.

Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of regional workforce boards, one-stop operators and other partners.

**State of Florida
Workforce Investment Act
Waiver Request:
YOUTH PERFORMANCE MEASURES AT THE LOCAL LEVEL**

Pursuant to WIA Section 189 (i)(4)(B) and the WIA Federal regulations at 20 CFR 661.420, the State of Florida requests a waiver to allow Regional Workforce Board funded activities for certain at risk youth populations to be excluded from the calculation of the WIA youth performance measures at the local level. With this waiver performances related to these populations will be tracked at the state-level but not aggregated with other local performance.

Workforce Florida, Inc. and the Agency for Workforce Innovation (AWI), as the administrative entity for the Workforce Investment Act (WIA) in the State of Florida, submit this request for a general waiver in order to remove perceptual barriers at the regional board level to serving certain of the neediest youth populations as well as ensuring that the WIA funds allocated to each local area are being used in a manner to maximize youth services. The waiver will apply to Program Year 2005 and subsequent years. Specifically the waiver is requested for those neediest youth identified in ETA's New Strategic Plan for Delivery of Youth Services and the State of Florida's Four-Year Strategic Plan: homeless youth, migrant and seasonal farm worker youth, youth in foster care, youth aging out of foster care, disabled youth, youthful offenders including those in residential juvenile justice facilities and children of incarcerated parents.

A. Statutory or Regulatory Requirements to be Waived

We request a waiver for Florida's Regional Workforce Boards (RWBs) to the requirements of the WIA Section 136 that describes the Youth Program performance measures. The waiver will apply at the local level only for activities provided with local WIA youth funds for the above referenced at risk populations.

In addition we request a waiver of the provisions of 20 CFR 667.300 which addresses the reporting of performance data and TEGL 14-00, Change 1 to allow the state to submit an addendum to WIASRD to accommodate the exceptions related to this waiver at the local level request while still including the performance outcomes for the above reference at risk populations at the state level. The federal WIASRD methodology, as now designed, counts everyone served with local funds in whole or in part at the local level.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal of this request is for increased flexibility for local areas in expending youth funds on the neediest of the youth population who have heretofore been underserved. Such flexibility would enable local areas to better serve the needs of their youth population and would provide much needed encouragement for Florida's regional workforce boards to forge new partnerships and engage in new approaches at serving the hardest to serve. Currently, the perception persists that populations such as migrant and seasonal farm worker youth, youth in foster care, youth aging out of foster care, youth in residential juvenile justice

facilities, homeless youth, and children of incarcerated parents due to their transient status, the lack of local community support, or other barriers are less likely to realize positive outcomes or derive benefit from program services. These youth have multiple physical, mental and emotional challenges.

Florida, in agreement with the USDOL (TEGL 3-04), seeks to encourage innovation, expand services and leverage resources using the state's set aside funds to provide inventive programs to assist the neediest youth populations with remaining in school and subsequently attaining their high school diploma or equivalency. WIA promotes the long-term involvement with youth to assist with not only remedial skills, but also to help direct the youth toward growth occupations within local labor markets. Youth, identified at 14 years of age, usually remain enrolled for three (3) years in WIA funded activities, which may overlap several fiscal years. This waiver will assist the state in encouraging local workforce boards to better plan and move these neediest youth populations toward targeted outcomes to include high school completion and enrollment into post-secondary education and/or employment.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barrier to implementing the state's request or any federal waiver necessary to implement the request. Indeed the request is in accord with the intent of state statutes enacted to implement WIA.

D. Description of the Individuals Impacted by the Waiver

All youth participants will benefit from the waiver. Granting local boards greater ability to expend more WIA funds for the neediest of youth groups will result in significant increases in services for each of the above referenced youth populations.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

Public comment on the state's request for this waiver has been encouraged and received. Public comment was solicited by email to state agencies, all regional workforce boards, service providers, and other interested parties

Workforce Florida Inc. and the Agency for Workforce Innovation, as the State administrator and overseer of WIA funds, will monitor the implementation of this waiver and the use of funds by the Local Areas. The State's current monitoring policy and procedures will be modified to ensure compliance with the intent of this waiver.

Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled

meetings of the Board members and staff, with partner agencies, representatives of regional workforce boards, one-stop operators and other partners.

**State of Florida
Workforce Investment Act
Waiver Request:
ENTREPRENEURIAL TRAINING**

Pursuant to WIA Section 189 (i) (4) (B) and the WIA Federal regulations at 20 CFR 661.420, the State of Florida requests any waiver approval necessary to fully implement the recent Training and Employment Guidance Letter No. 16-04 which encourages states and regional workforce boards to consider entrepreneurial training programs for WIA customers as part of their menu of services and to explore the appropriate partnerships to support these training programs. The Department has taken this position based on the results of experimental projects and has recommended that self-employment assistance be emphasized as a reemployment strategy for dislocated and /or unemployed workers. Florida's specific request is to allow local adult and dislocated worker formula funds to be expended on entrepreneurial training with performances to be tracked at the state-level but not aggregated with other local performance data.

A. Statutory or Regulatory Requirements to be Waived

Should the above request related to allowing local adult and dislocated worker formula funds to be expended on entrepreneurial training, with performances to be tracked at the state-level, but not aggregated with other local performance data, be deemed to be not in accord with any provision of WIA federal regulations at 20 CFR 666 and 20 CFR 667.300, Florida requests waiver of the federal regulation.

In addition, Florida requests a waiver of the provisions of 20 CFR 667.300 which addresses the reporting of performance data and TEGL 14-00, Change 1 to allow the State to submit an addendum to WIASRD to accommodate the exceptions related to this waiver at the local level request while still including the performance outcomes for the above reference at risk populations at the state level. The federal WIASRD methodology, as now designed, counts everyone served with local funds in whole or in part at the local level.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted

Encourages collaboration with economic development organizations, business, industry associations, and education to foster business innovation, small business start-ups and expansions and job creation.

Small businesses provide approximately 75 percent of the net new jobs added to the economy. Small businesses hire a large proportion of employees who are younger workers, older workers and part-time workers. According to Census data, approximately 22 percent of the businesses in the state are minority-owned businesses and 26 percent are owned by women. Recent 2004 data provided, by Florida's Small Business Development Center Network, reports that 531 businesses were started in the state and 2,819 jobs were created.

Encourages the state's further recovery from the impacts of four major hurricanes and one tropical storm, and is consistent with the U.S. Small Business Administration's strategic goal to restore homes and businesses affected by disaster.

Florida benefited immensely from the receipt of National Emergency Grant funds to assistance with the humanitarian and clean-up issues as a result of these disasters. These funds—and the performances associated with them—are not aggregated with other local performance data.

Existing state policy promotes the maximum investment of limited adult and dislocated worker funds and increased levels of service. Currently, many of Florida's regional workforce boards refer individuals interested in starting their own businesses to providers of entrepreneurial training, but do not sponsor/fund such training, partly due to the restrictions about what is currently considered a positive performance outcome (i.e., entered employment, wage gains, credential attainment). The proposed waiver will hold the state performances accountable—rather than local regional workforce board performances—thus spurring more local engagement in entrepreneurial training.

C. State or Local Statutory or Regulatory Barriers

There is no state or local statutory or regulatory barrier to implementing the state's request or any federal waiver necessary to implement the request. Indeed the request is in accord with the intent of state statutes enacted to implement WIA.

D. Description of the Individuals Impacted by the Waiver

All WIA customers, as well as the state's regional workforce boards, will be affected positively by the adoption of this waiver request.

Increased numbers of individuals in need of service, particularly minorities, women, and veterans, will be assisted.

Regional Workforce Boards, identifying unmet needs or experiencing individuals interested in self-employment opportunities in their areas, will have greater flexibility to refer these persons to entrepreneurial training without fear of adverse impacts on local performance data.

The rate of investment of WIA funds will increase.

Public workforce funds will be used to collaborate with economic development organizations and the state's strategic vision to spur more business innovation.

E. Opportunity for Public Comment and the Process for Monitoring Implementation of the Waiver

Public comment on the state's request for this waiver has been encouraged and received. Public comment was solicited by email to state agencies, all regional workforce boards, service providers, and other interested parties.

The implementation of this waiver request will be monitored by the Workforce Florida, Inc. and the Agency for Workforce Innovation as they continue to monitor all WIA performance and the progress towards goals and objectives expressed in the State Plan. Information contained in the State's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of regional workforce boards, one-stop operators and other partners.

FL (New)

**State of Florida
Workforce Investment Act
Waiver Request:**

INCREASED CORE SERVICES CAPABILITIES AT LOCAL ONE-STOP CENTERS

Workforce Florida Inc. and the Agency for Workforce Innovation (AWI), as the administrative entity for the Workforce Investment Act (WIA) in the State of Florida, submit this requests for a waiver to allow any One-Stop Center staff who are funded by either WIA or Wagner-Peyser to perform participant intake and eligibility determination for other supportive workforce programs such as Temporary Assistance for Needy Families (TANF), Food Stamp Employment and Training (FSET), and Medicaid without having to cost allocate staff-time for each respective program.

In keeping with the guidelines set forth in WIA Section 189(i)(4)(b) and 20 CFR Part 661.420(c), please accept the following in support of this waiver request:

A. Statutory or Regulatory Requirements to be Waived

WIA Sections 134(d)(1)(A), 134(d)(1)(A)(ii) and 134(d)(2)(A) and Wagner-Peyser Section (a) requires that WIA be used to serve targeted individuals and Wagner-Peyser funds be used to implement specific types of labor exchange related activities.

B. Goals of the Wavier and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal of this waiver is to allow the State and regional workforce boards to expand the services offered to customers at local one-stop centers without having to enter into unnecessary funding agreements. These services are consistent with the type of core services envisioned under WIA.

C. State or Local Statutory of Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

One-Stop customers will benefit from an increased level of services available at the "one-stop centers" thereby eliminating the need for them to expend extra time and effort to go to other non-WIA and Wagner-Peyser funded staffed for intake and eligibility determination for their enrollment in other supportive workforce programs. The waiver will also increase the number of individuals coming into the centers thus increasing the number of individuals who can benefit from the workforce services offered at the one-stop centers.

E. Opportunity for Public Comment and the Process for Monitoring Implementation Upon Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas. As with all major workforce policies and procedures, the State has solicited dialogue and input from local area boards and staff. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local areas and Workforce Florida, Inc on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of the State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of regional workforce boards, one-stop operators and other partners.

Workforce Florida, Inc and the Agency for Workforce Innovation as the State administrator and overseer of Florida's workforce programs, will monitor the use of funds by local areas. The current monitoring policy and procedures will be modified to ensure compliance with the intent of this waiver.

**State of Florida
Workforce Investment Act
Waiver Request:
ONE-STOP COST ALLOCATION**

Workforce Florida Inc. and the Agency for Workforce Innovation (AWI), as the administrative entity for the Workforce Investment Act (WIA) in the State of Florida, submit this request for a waiver to implement one-stop cost allocation strategies that consider the funding limitations of partner programs such as the Veterans and Job Corps.

In keeping with the guidelines set forth in WIA Section 189(i)(4)(b) and 20 CFR Part 661.420(c), please accept the following in support of this waiver request:

A. Statutory or Regulatory Requirements to be Waived

Florida requests waiver of any applicable federal regulation that prevents the State from using funding availability as a factor in the allocation of one-stop fair share costs.

B. Goals of the Wavier and Expected Programmatic Outcomes if Waiver is Granted

The anticipated goal of this waiver is to allow the State and local regional workforce boards the means to allocate one-stop fair share costs in a reasonable and efficient manner. It will eliminate the need to jump through several "bureaucratic hoops" now required to accomplish the same end which is to charge partner programs based on the benefit received.

C. State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the proposed waiver.

D. Description of Individuals Impacted by the Waiver

Regional workforce boards and small partner programs such as Job Corps will benefit from this waiver. The efficiencies gained will result in additional funding available for program services and less costs associated with the resolution of monitoring and audit issues resulting from cost allocation.

E. Opportunity for Public Comment and the Process for Monitoring Implementation Upon Implementation of the Waiver

This request was developed as a result of concerns expressed by local areas. As with all major workforce polices and procedures, the State has solicited dialogue and input from local area boards and staff. Information contained in the state's management information system and financial management tracking system will be reviewed and reported to the local

areas and Workforce Florida, Inc on a regular basis. Review of the implementation and application of the policy will regularly be placed on the agenda of public meetings of the State Board and regular scheduled meetings of the Board members and staff, with partner agencies, representatives of regional workforce boards, one-stop operators and other partners.

Workforce Florida, Inc and the Agency for Workforce Innovation as the State administrator and overseer of Florida's workforce programs, will monitor the use of funds by local areas. The current monitoring policy and procedures will be modified to ensure compliance with the intent of this waiver.